

ASSEMBLY BILL

No. 1502

Introduced by Assembly Member Laird

February 21, 2003

An act to add Section 37026 to the Public Resources Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as introduced, Laird. Natural Heritage Preservation Tax Credit Act.

Under the Natural Heritage Preservation Tax Credit Act, property may be contributed to the state, any local government, or any nonprofit organization designated by a local government, based on specified criteria, in order to provide for the protection of wildlife habitat, open space, and agricultural lands. The act authorizes a credit against the personal income or bank and corporation tax in an amount equal to 55% of the fair market value of any qualified contribution.

This bill would allow any public entity, authorized to acquire interests in property from state bonds approved by the voters, to expend bond funds by paying to the General Fund the amount of the tax credit necessary to acquire the property by donation pursuant to the act, to the extent this expenditure is consistent with, and furthers the purposes of, the applicable bond act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 37026 is added to the Public Resources Code, to read:

37026. (a) The Legislature finds and declares all of the following:

(1) Current justifiable needs for the acquisition of property for environmental purposes substantially exceed state-approved bond funds available for these purposes.

(2) The Natural Heritage Preservation Tax Credit Act of 2000 authorizes the acquisition of qualified property through donations eligible for a credit against the personal income or bank and corporation tax in an amount equal to 55 percent of the fair market value of any qualified contribution.

(3) Where property owners are able to utilize this tax credit, state acquisition costs are nearly halved.

(4) Authorizing the use of bond funds to fund these tax credits will significantly expand the purchasing power of existing bond funds.

(b) Notwithstanding any other provision of law, any public entity authorized to acquire interests in property from state bond funds approved by the voters may, if the property acquisition also meets the criteria established in Section 37015 for donations of property under the Natural Heritage Preservation Tax Credit Act of 2000, expend bond funds by paying to the General Fund the amount of the tax credit necessary to acquire the property by donation pursuant to the act, to the extent this expenditure is consistent with, and furthers the purposes of, the applicable bond act. In addition to any other approvals required by law, any transaction under this section shall be approved by the board and the Director of Finance.